

ORDINANCE NO. 2008 - 036

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE FUTURE LAND USE ATLAS (FLUA); ADOPTING SMALL SCALE AMENDMENT **MILITARY/ATLANTIS MEDICAL OFFICE (SCA 2008-019)**; MODIFYING PAGE **82** BY CHANGING A 1.51 ACRES PARCEL OF LAND LOCATED ON THE WEST SIDE OF MILITARY TRAIL, APPROXIMATELY 1/3 MILE NORTH OF LANTANA ROAD AND ON THE SOUTH SIDE OF WENHART ROAD, FROM LOW RESIDENTIAL, 2 UNITS PER ACRE (LR-2) TO COMMERCIAL LOW, WITH AN UNDERLYING LOW RESIDENTIAL, 2 UNITS PER ACRE (CL/2); PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17; and

**WHEREAS**, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

**WHEREAS**, Section 163.3187(1)(c), Florida Statutes, provides comprehensive plan amendments directly related to small scale development activity may be made by local governments without regard to statutory limits regarding the timing and frequency of plan amendments; and

**WHEREAS**, Section 163.3187(1)(c)4, Florida Statutes, provides that small scale development amendments require only one public hearing before the governing board which shall be an adoption public hearing; and

**WHEREAS**, a property owner has initiated an amendment to the Future Land Use Atlas of the 1989 Comprehensive Plan; and

**WHEREAS**, the proposed amendment meets the criteria of a small scale development amendment per Section 163.3187(1)(c), Florida Statutes; and

**WHEREAS**, the Palm Beach County Local Planning Agency conducted a public hearing on January 18, 2008, to review the proposed amendment to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendment to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

1           **WHEREAS**, the Palm Beach County Board of County Commissioners, as  
2 the governing body of Palm Beach County, conducted a public hearing  
3 pursuant to Chapter 163, Part II, Florida Statutes, on August 28,  
4 2008, to review the recommendations of the Local Planning Agency and  
5 to consider adoption of the amendments; and

6           **WHEREAS**, the Palm Beach County Board of County Commissioners has  
7 determined that the amendment complies with all requirements of the  
8 Local Government Comprehensive Planning and Land Development  
9 Regulation Act.

10           **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**  
11 **COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:**

12           **Part I. Amendments to the Future Land Use Atlas of the Land Use**  
13 **Element of the 1989 Comprehensive Plan**

14           The following amendment to the Future Land Use Element's Future  
15 Land Use Atlas is hereby adopted and is attached to this Ordinance:

16           **A. Future Land Use Atlas page 82** is amended as follows:

17           **Application No.:**       MILITARY/ATLANTIS MEDICAL OFFICE  
18                                       (SCA 2008-019)

19           **Amendment:**           Low Residential, 2 units per acre (LR-2) to  
20                                       Commercial Low, with an underlying Low  
21                                       Residential, 2 units per acre (CL/2);

22           **General Location:**   West side of Military Trail approximately  
23                                       1/3 mile north of Lantana Road on the south  
24                                       side of Wenhart Road;

25           **Size:**                 Approximately 1.51 acres;

26           **Condition:**           The site shall be limited to office and  
27                                       accessory uses to office.

28           **Part II. Repeal of Laws in Conflict**

29           All local laws and ordinances applying to the unincorporated area  
30 of Palm Beach County in conflict with any provision of this ordinance  
31 are hereby repealed to the extent of such conflict.

32           **Part III. Severability**

33           If any section, paragraph, sentence, clause, phrase, or word of  
34 this Ordinance is for any reason held by the Court to be  
35 unconstitutional, inoperative or void, such holding shall not affect  
36 the remainder of this Ordinance.

1                    **Part IV. Inclusion in the 1989 Comprehensive Plan**

2                    The provisions of this Ordinance shall become and be made a part  
3 of the 1989 Palm Beach County Comprehensive Plan. The Sections of the  
4 Ordinance may be renumbered or relettered to accomplish such, and the  
5 word "ordinance" may be changed to "section," "article," or any other  
6 appropriate word.

7                    **Part V. Effective Date**

8                    This amendment shall not become effective until 31 days after  
9 adoption. If challenged within 30 days after adoption, this amendment  
10 shall not become effective until the state land planning agency or the  
11 Administration Commission, respectively, issues a final order  
12 determining the amendment is in compliance.

13                   **APPROVED AND ADOPTED** by the Board of County Commissioners of  
14 Palm Beach County, on the ~~28th~~ day of August, 2008.

15                   ATTEST:

16                   SHARON R. BOCK, CLERK

17                   PALM BEACH COUNTY, FLORIDA,  
18                   BY ITS BOARD OF COUNTY COMMISSIONERS

19                   By

20                   *Judith Christine*  
21                   Deputy Clerk

22                   By

23                   *Addie L. Greene*  
24                   Addie L. Greene, Chairperson

25                   APPROVED AS TO FORM AND LEGAL SUFFICIENCY

26                   *[Signature]*  
27                   COUNTY ATTORNEY

28                   Filed with the Department of State on the 4th day  
29 of September, 2008.  
30

# EXHIBIT 1

**Amendment No.:** Military / Atlantis Medical Office (SCA 2008-019)

**FLUA Page No.:** 82

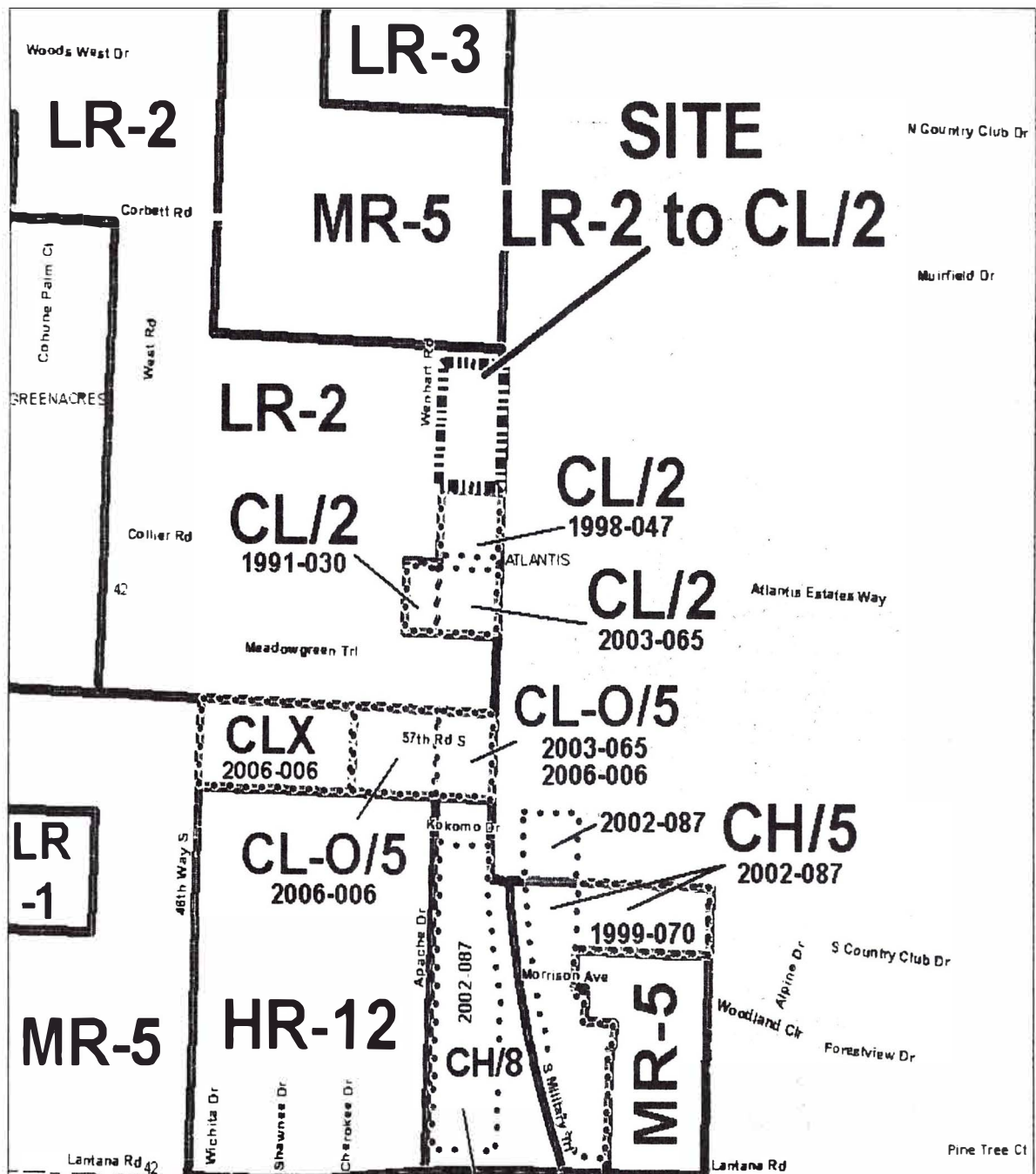
**Amendment:** LR-2 to CL/2

**Location:** West side of Military Trail approximately 1/3 mile north of Lantana Road on the south side of Wenhart Road

**Size:** 1.51 acres

**Property No.:** 00-42-44-36-06-000-0011

**Conditions:** The site shall be limited to office and accessory uses to office.



## Legal Description

LOT 1, LESS THE WEST 50 FEET OF THE SOUTH 181.02 FEET, AND ALSO LESS THE EAST 17 FEET CONVEYED TO PALM BEACH COUNTY IN OFFICIAL RECORD BOOK 5940, PAGE 696, WENHART ESTATES, ACCORDING TO THE PLAT, THEREOF AS RECORDED IN PLAT BOOK 23, PAGE 147, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

1.51 ACRES REPRESENTED BY PCN: 00-42-44-36-06-000-0011

STATE OF FLORIDA, COUNTY OF PALM BEACH  
I, SHARON R. BOCK, Clerk & Comptroller certify  
this to be a true and correct copy of the original  
filed in my office on AUG 28 2008

dated at West Palm Beach, FL on Sept 11 2008

By: Judith Christine

Deputy Clerk

